

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:08CR335
Plaintiff,)	
)	
v.)	USM No: 22580-047
)	
JAMES E. SMITH, III,)	<u>Clarence E. Mock</u>
Defendant.)	Defendant's Attorney
Date of previous judgment: May 13, 2009)	

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) and the parties' stipulation for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion and stipulation,

IT IS ORDERED that the motion and stipulation are GRANTED and the Defendant's previously imposed sentence of 135 imprisonment (as reflected in the last judgment issued) of 135 months is reduced to 120 months. The Clerk is directed to deliver a copy of this Order to the U.S. Marshal.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>31</u>	Amended Offense Level: <u>29</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>135</u> to <u>168</u> months	Amended Guideline Range: <u>120</u> to <u>120</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

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The reduced sentence is within the amended guideline range, considering the applicable statutory minimum sentence. The fine range is \$15,000-\$4,000,000.

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The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

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Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated May 13, 2009, shall remain in effect.

IT IS SO ORDERED.

Dated this 10th day of February, 2012

Effective Date: February 10, 2012

s/Laurie Smith Camp
Chief United States District Judge